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Address: No. 6 XITUCHENG ROAD, JIMEN BRIDGE, HAIDIAN DISTRICT, BEIJING

Post Code: 100088

Applicant: SAMSUNG ELECTRONICS CO.-LTD.	ISSUING DATE: 2003.08.01
Agent: YING MA.	
Application No.: 00104518.0	
Title: RECORDING MEDIUM HAVING WOBBLED - - - -	

THE FIRST OFFICE ACTION

1. ☒ The applicant filed a request for substantive examination on Year ____ Month ____ Day ____ according to Article 35 Paragraph 1 of the Patent Law. The examiner has conducted a substantive examination to the above-mentioned patent application.
☐ According to Article 35 paragraph 2 of the Patent Law, Chinese Patent office decided on its own initiative to conduct a substantive examination to the above-mentioned patent application.
2. ☒ The applicant requested to take
 Year 09 Month 02 Day 05 on which an application is filed with the PR patent office as the priority date.
 Year ____ Month ____ Day ____ on which an application is filed with the ____ patent office as the priority date.
 Year ____ Month ____ Day ____ on which an application is filed with the ____ patent office as the priority date.
☒ The applicant has submitted the copy of the earliest application document certified by the competent authority of that country.
☐ According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made.
☐ This application is a PCT application.
3. ☐ The applicant submitted the amended document(s) on Year ____ Month ____ Day ____ and Year ____ Month ____ Day ____ after examination, ____ submitted on Year ____ Month ____ Day ____ is/are not accepted.
 ____ submitted on Year ____ Month ____ Day ____ is/are not accepted
 because the said amendment(s) ☐ is/are not in conformity with Article 33 of the Patent Law.
☐ is/are not in conformity with Rule 51 of the Implementing Regulations.
☐ The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action.
4. ☒ The examination has been conducted based on the application text as originally filed.
☐ The examination has been conducted based on the following text(s):
 page(s) ____ of the specification, Claim(s) ____, and figure(s) ____ in the original text of the application submitted on the filing day.
 page(s) ____ of the specification, claim(s) ____, and figure(s) ____ submitted on Year ____ Month ____ Day ____
 page(s) ____ of the specification, claim(s) ____, and figure(s) ____ submitted on Year ____ Month ____ Day ____
5. ☐ This notification was made without undergoing search.
☒ This notification was made with undergoing search.
☒ The following reference document(s) is/are cited:(the reference numeral(s) thereof will be used in the examination procedure hereafter)

NO.	Reference No. or Title	Publishing Date
1	CN1195171A	1998.10.7
2		
3		
4		
5		

6. Concluding comments

☒ on the specification:

- ☐ The contents of the application are in contrary to Article 5 of the Patent Law and therefore are not patentable.
- ☐ The contents of the application do not possess the practical applicability as prescribed in Paragraph 4 of Article 5 of the Patent Law.
- ☐ The specification is not in conformity with the provision of Paragraph 3 of Article 26 of the Patent Law.
- ☒ The presentation of the specification is not in conformity with the provision of Rule 18 of the Implementing Regulations.

☒ on the claims:

- ☐ Claim(s) _____ belong(s) to non-patentable subject matter as prescribed in Article 25 of the Patent Law.
- ☐ Claim(s) _____ do(es) not comply with the definition of a patent as provided in Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) _____ do(es) not possess novelty as requested by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) 1-12 do(es) not possess inventiveness as requested by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) _____ do(es) not possess practical applicability as requested by Article 22 paragraph 4 of the Patent Law.
- ☒ Claim(s) 15-17, 20, 21, 23 do(es) not comply with the provision of Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ do(es) not comply with the provision of Article 31 paragraph 1 of the Patent Law.
- ☒ Claim(s) 13, 14, 19, 22, 24 do(es) not comply with provision of Rules 20 of the Implementing Regulations.
- ☐ Claim(s) _____ do(es) not comply with the provision of Article 9 of the Patent Law.
- ☒ Claim(s) 13, 19 do(es) not comply with the provision of Rule 21 of the Implementing Regulations.

The detailed analysis for the above concluding comments is presented on the text of this Office Action.

7. Based on the above concluding comments, the examiner is of the opinion that

- ☐ The applicant should amend the application document(s) in accordance with the requirement as specified in the Office Action.
- ☒ The applicant should, in his observation, expound the patentability of the application of the application, amend the defects pointed out in the Office Action; or the application can hardly be approved.
- ☐ The examiner deems that the application lacks substantive features to make it patentable. Therefore, the application will be rejected if no convincing reasons are provided to prove its patentability.

8. The applicant should pay attention to the following matters:

- (1) According to Article 37 of the Patent Law, the applicant is required to submit his observations within Four months upon receipt of this Office Action. If the time limit for making response is not met without any justified reason, the application to have been withdraw.
- (2) The amendment(s) made by the applicant must meet the requirements of Article 33 of the Patent Law. The amended text should be in duplicate, its format should conform to the related confinement in the Guidance for Examination.
- (3) The applicant and/or the agent should not go to the Chinese Patent Office to interview the examiner without being invited.
- (4) The observation and/of the amended document(s) must be mailed or delivered to the Receiving Section of the Chinese Patent Office. No legal effect shall apply for any document(s) that not mailed to or reached the Receiving Section.

9. The text of this Office Action contains 4 page(s), and has the following attachment(s):

☒ 1 copies of the cited references, all together 17 pages.

☐

Examination Dept. No. 9 Examiner 9612 Seal of Examination Dept. for business only _____

(if the Office Action wasn't stamped by the specified seal, it has no legal effect)

TEXT OF THE FIRST OFFICE ACTION

The present application has the following defects:

(I) Of the claims

Claims 1 and 9 define a recording medium having land tracks and groove tracks, whereas, reference 1 (CN1195171A) also discloses a recording medium having groove tracks and land tracks, and said groove tracks and land tracks are wobbled (refer to line 1, page 3-line 9, page 6 and figures 1-3 of the specification). The recording medium defined in claims 1 and 9 differs from that defined in reference 1 only in the definition of the phase relation of the wobbles of said two types of tracks. However, the different definition of the phase relation of the wobbles of the tracks of said medium cannot generate variation of the external shape, structure or size of the recording medium itself as the product seeking protection of the present invention, nor does it embody prominent substantive features or notable progress possessed by the product—the medium seeking protection in the present invention macroscopically, compared with the prior art. Therefore, compared with reference 1, claims 1 and 9 do not comply with the provision of Article 22, paragraph three of the Patent Law of China.

Claims 2-8 and 10-12 further define the claims to which they refer, respectively. However, the additional technical features disclosed only further define the phase with the wobbles of the tracks in said medium or define how to record the information related to the physical identifier header for storing a track number and a sector number. Similar to what has been stated in the above paragraph; these features do not generate variation of shape, structure or size of the medium itself, which seeks protection, nor do they embody prominent substantive features or notable progress possessed by the product macroscopically, compared with the prior art. Therefore, when the claims to which they refer do not possess inventiveness, said claims do not comply with the provision on inventiveness of Article 22, paragraph three of the Patent Law of China.

The description of “the wobbles of individual groove tracks and individual land tracks are out of phase” in claims 13, 14, 19 and 20 is not clear in that it is not clear whether it means “the wobble phases between individual groove tracks and individual land tracks are out of phase” or “the wobbles of individual groove tracks are out of phase and the wobbles of individual land tracks are out of phase, respectively”, which renders the technical solution sought for protection unclear. Thus, claim 13 does not comply with the provision of Rule 20, paragraph one of the Implementing Regulations of the Patent Law of China.

Claim 13 discloses the technical feature “a wobble signal determiner to determine whether a track which is currently tracked by the pickup unit is a groove track or a

land track, and to provide a determination signal”, wherein the method as how to determine the type of the track which is currently tracked is not described in detail. And for those ordinarily skilled in the art, the specific feasible technical solution as how to determine the type of a track which is currently tracked and what method should be adopted to determine are not obtainable from the disclosure of claim 13 so as to determine the type of a track which is currently tracked. If the determination signal is not obtained, a control signal for controlling a servo cannot be generated, thus the objective of the present invention cannot be achieved. Therefore, how to provide a determination signal when the medium is under the above condition belongs to indispensable technical feature necessary to the resolution of the technical problems of the present invention. Moreover, the feature “a controller to generate a control signal for controlling a servo for moving the pickup unit using the determination signal and the detected wobble signal” does not indicate how to obtain said control signal for controlling a servo, to which said control signal relates or on what basis it is generated, thus said control signal is unobtainable, nor is the controlling of a servo is achievable. Thus, the technical problem of the present invention cannot be resolved. Therefore, the above-mentioned technical feature as how to obtain said control signal which claim 13 lacks belongs to indispensable technical feature necessary to resolving the technical problems of the present invention. For the above reasons, claim 13 does not comply with the provision of Rule 21, paragraph two of the Implementing Regulations of the Patent Law of China.

Claim 19 discloses the step “(c) determining whether a track which is currently tracked by the pickup unit is a groove track or a land track to provide a determination signal”, wherein the method as how to determine the type of said tracks is not provided in detail, please refer to the examination opinions on claim 13. Through what method and how to determine the type of the tracks belong to indispensable technical features necessary to the resolution of the technical problem of the present invention. Otherwise, those ordinarily skilled in the art cannot obtain said determination signals from the technical solution disclosed in claim 19 so as to obtain said control signal for controlling a servo, thus cannot resolve the technical problem the present invention directs to solve. In addition, the step “(d) controlling a servo for moving the pickup unit using the determination signal and the detected wobble signal” does not make it clear how to use said determination signal and wobble signal, what kind of information is obtainable so as to further control the servo. Therefore, it is impossible for those ordinarily skilled in the art to obtain the method of getting the control signal of the servo from said determination signal and wobble signal disclosed in the solution. Thus, claim 19 lacks the indispensable technical features necessary to the resolution of the technical problem of the present invention, which does not comply with the provision of Rule 20, paragraph two of the Implementing Regulations of the Patent Law of China.

Claims 15, 17, 21 and 23 disclose the features “a first channel corresponding to the difference between two signals output from the photo detector...” and “a second

channel corresponding to the sum of two signals output from the photo detector”, wherein the disclosure about the relationship between the first channel and second channel and the output signals in the above descriptions is different from that in the specification, in the specification, the first channel corresponds to the sum of two signals output from the photo detector, and the second channel corresponds to the difference between two signals output from the photo detector. Thus it is seen that the disclosure in the specification is virtually contrary to that in said claim, and the technical solution of said claim cannot be directly obtained or be generalized from the disclosure of the specification, for those ordinarily skilled in the art. Therefore, said claim is not supported by the specification, which does not comply with the provision of Article 26, paragraph four of the Patent Law of China.

Claims 22 and 24 make further definitions to the claims to which they refer, respectively, said method “further comprising the step (e)...” however, what is the relation between step (e) and step (d) to which it refers is not clear, should the servo control of step (e) be executed before the detecting process of step (e), or realize step (d) by executing step (e) is not clearly stated, which renders the protection scope of said claims unclear. Thus, claims 22 and 24 do not comply with the provision of Rule 20, paragraph one of the Implementing Regulations of the Patent Law of China.

In addition, there are two defects referring to the Chinese expression, the details were omitted.

(II) Of the specification

Non-Chinese term “HD-DVDs” appears in the specification. Chinese annotation or explanation should be provided in its first appearance so as to make the specification comply with the provision of Rule 18, paragraph three of the Implementing Regulations of the Patent Law of China.

In addition, the specification shall follow the manner and order of “technical field”, “background art”, “contents of the invention”, “description of figures” and “mode of carrying out the invention”, and each of the parts shall be preceded by a heading so as to comply with the provision of Rule 18, paragraph two of the Implementing Regulations of the Patent Law of China.

Based on the above reasons, the present application cannot be granted the right of patent under the current text. The applicant should make amendments in response to the aforesaid examination opinions to overcome the above defects. The applicant should resubmit the amended text and state the Observations within 4 months of the designated time limit, and make corresponding amendments to the specification when amending the claims. The amendments should not go beyond the original claims and specification so as to comply with the provision of Article 33 of the Patent Law of China. If the applicant cannot state convincing reasons and at the same time, the

present application still have the above defects which belong to the defects provided against the provision of Rule 53 of the Implementing Regulations of the Patent Law of China, the present application shall be rejected according to the provision of Rule 38 of the Patent Law of China.